

Notice of Allowability

Application No.

10/061,766

Applicant(s)

KROL ET AL.

Examiner

John D. Lee

Art Unit

2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on July 21, 2004.
2. ☒ The allowed claim(s) is/are 1-58.
3. ☒ The drawings filed on 09 May 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |


John D. Lee
Primary Examiner

EXAMINER'S AMENDMENT

An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Claims 14, 19, 20, 22, 23, 31, 34, 35, 39, 40, 45, 46, 47, 49, 54, and 57 are amended as follows:

In claim 14, line 1, "on" has been changed to "one";

In claim 19, line 1, the second occurrence of "wherein" has been deleted;

In claim 20, line 2, "and" has been changed to "an";

In claim 22, line 7, "pane" has been changed to "panel";

In claim 23, last line, "relative to the beam steering panel" has been inserted after "alignment";

In claim 31, line 2, "annuls" has been changed to "annulus" (2 occurrences);

In claim 34, lines 2-3, "gimbaled mirror element having at least two-degrees of beam steering freedom" has been changed to "MEMS mirror element";

In claim 35, line 1, "on" has been changed to "one";

In claim 35, line 2, "a least" has been changed to "at least";

In claim 39, line 2, "and" has been changed to "an";

In claim 40, line 1, "the" has been capitalized as "The";

In claim 45, line 1, "on" has been changed to "one";

In claim 46, line 1, "a t least on" has been changed to "at least one";

In claim 47, line 1, "at least one" has been deleted;

In claim 49, line 7, "bema" has been changed to "beam";

In claim 54, line 5, "on" has been changed to "one"; and

In claim 57, line 2, "condition" has been changed to "action".

The above changes correct errors of transcription that occurred in applicant's latest amendment. Authorization for such changes was given by applicant's attorney Mr. Gregory V. Bean on page 9 (paragraph beginning with "Claims 1-58 are allowed...") of the amendment filed on July 21, 2004.

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance: The reasons for allowability of all pending claims remains the same as set forth in the previous "Ex parte Quayle" Office action. Claims 1-58 are therefore allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

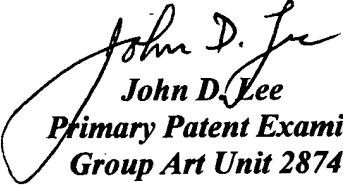
Any inquiry concerning the merits of this communication should be directed to Examiner John D. Lee at telephone number (571) 272-2351. The Examiner's normal work schedule is Tuesday through Friday, 6:30 AM to 5:00 PM. Any inquiry of a general or clerical nature (i.e. a request for a missing form or paper, etc.) should be directed to the Technology Center 2800 receptionist at telephone number (571) 272-1562,

Art Unit: 2874

to the technical support staff supervisor (Team 8) at telephone number (571) 272-1564, or

to the Technology Center 2800 Customer Service Office at telephone number (571) 272-

1626.


John D. Lee
Primary Patent Examiner
Group Art Unit 2874